REMARKS

The claim 30 antecedent basis problem is corrected in the newly presented claims.

Applicants confirm the election of Group I claims 22-35 and 38-41. The newly presented claims herein are drawn to that method for controlling material flow in production.

The Examiner rejected previous claims 22-26, 28-31, and 38-41 under 35 U.S.C. §102 as anticipated by Reihl. Claim 35 was rejected under 35 U.S.C. §103 as unpatentable over Reihl further in view of Frank further in view of Hansmann. Claim 27 was rejected under 35 U.S.C. §103 as unpatentable over Reihl. Claims 36 and 37 were rejected under 35 U.S.C. §102 as anticipated by Janssen.

New claim 42 distinguishes over a combination of Reihl, Frank, and Hansmann reciting a method for controlling material flow and production of a product comprised of a plurality of individual parts or part aggregates and wherein at the assembly production site they are required for assembly and they are removed from the production site storage for assembly. Reihl only discloses a method for controlling the material flow of consumables such as toner bottles for electrographic printers. This is not a production process in which individual parts or part aggregates are assembled to produce a product and wherein a transponder is assigned to each of these individual parts or part aggregates being assembled.

Next, claim 42 distinguishes by reciting also recording quality data regarding the individual parts and storing the quality data in a transponder associated with each individual part or individual part aggregate, and wherein

the quality data is read and checked at a quality check station of the assembly production site. Although the Examiner contends that Reihl deals with quality issues, column 7, lines 45-48 of Reihl is only dealing with data for filling quantity and for toner type but not for quality. Column 7, lines 36-40 just talks about checking data right from the transponder and stored within the transponder but not about data representing quality.

There is the advantage of the invention of claim 42 that quality data are provided with the transponder. By storing quality data, if two different companies operate the assembly site, such as a parts supplying company and an assembling company, both can store, track and compare the quality data in common within the transponder and thereby directly link the quality data. The assembly company may easily read the suppliers' data from the transponder, use, check, and verify the quality data provided by the supplier easily, and can take measures such as rejection or providing additional checks if there is a deviation in the data.

In addition, quality checks with the invention of claim 42 can be optimized insofar as the assembling company may easily track the reliance of the suppliers data by monitoring deviations of the quality data. Based on this tracking, the assembly company can address its quality inspection system, for example reduce the rate of the suppliers parts inspection from 20% to 10% if the suppliers data are reliable at a high degree or increase the rate from 20% to 30% if the suppliers data are less reliable. All this can be accomplished by storing the quality data as recited in claim 42.

Finally, claim 42 recites detecting with the transponder reader removal of an individual part or part aggregate from the assembly production site

storage or its assembly to produce said product and only triggering payment obligation for the assembly production site operator upon said detecting with said transponder reader said detected removal of the individual part from the assembly production site storage or upon said transponder reader detected assembly to produce said product. The Examiner admits Reihl does not have this, but cites Hansmann; discussed hereafter.

Frank does not satisfy the numerous deficiencies of Reihl pointed out above. Frank is not assembling parts or part aggregates for a product. Rather, Frank is only disclosing a tray for personal items like eye glasses or dentures. Therefore Frank is not relevant for combination with Reihl and also does not satisfy the assembly recitation of claim 42 nor the quality storage recitation of claim 42, or the payment recitation.

Hansmann does not relate to the assembly of a product from individual parts or part aggregates but only discloses a system for supermarkets or warehouses in which articles are provided with a transponder. The transponder is only used for checkout. There is no storing of quality information and no assembly of parts. Therefore Hansmann is not relevant for combination with Reihl. Also Hansmann does not satisfy the product assembly limitation missing in Reihl, does not satisfy the quality recitation in Reihl, and does not satisfy the payment recitation in Reihl.

Neither Frrank nor Hansmann, even if combined with Reihl, provide the feature of claim 42 that a payment obligation is triggered only if quality data of individual parts or part aggregates were read and checked in advance. Thus it is an advantage of the invention of claim 42 that for the production process it

can be avoided that a payment is erroneously triggered or payment is even carried out for parts which are defective due to unmatching quality data.

The Examiner also cited Janssen. However Janssen does not have the missing features discussed above in Reihl alone or Reihl combined with Hansmann and/or Frank. There is no quality checking information stored in the transponder and no payment triggering as recited. There is also no teaching of recording production and delivery data for the individual parts or part aggregates in the transponder associated with each part or part aggregate. Janssen only relates to a transponder for an RFID electronic interlock system for an automobile ignition lock and therefore is not relevant.

Dependent claim 43 is of particular interest by reciting a group of parts or part aggregates is a mass production article delivered in a quantity of more than five in a container and wherein the container comprises a transponder in which is stored a common quality score regarding the group of mass production articles of the container. This feature is no where suggested in Reihl. Reihl nowhere discloses a transponder storing a common quality score regarding a group of mass production articles in the container.

Dependent claims 43-54 distinguish at least for the reasons noted with respect to claim 42 and also by reciting additional features not suggested.

System claim 55 and computer-readable medium claim 56 distinguish at least for the reasons noted with respect to claim 42.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,

Brett A Valiquet (Reg. #27,841)

Brett A. Valiquet
Schiff Hardin LLP
Patent Department-6600 Sears Tower
Chicago, Illinois 60606
Telephone: 3l2-258-5786
Attorneys for Applicants
CUSTOMER NO. 26574

CH2\7355948.1